

REMARKS

The Examiner's attention to the present application is noted with appreciation. Claims 63-68 have been added to more completely claim the invention. No new matter has been added.

The Examiner rejected claims 22-62 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-373 of U.S. Patent No. 6,736,966 in view of Otsuka et al. Such rejection is respectfully traversed. The claims of the present invention and those of 6,736,966 are patentably distinct, whether or not Otsuka is considered. The claims of 6,736,966 are directed toward decontaminating a fluid in a container. As discussed in the specification of that patent, one typical use of the patented device is to decontaminate water for drinking. The present claims are directed toward an apparatus and method for forming a sanitizing solution in a container which is then delivered to an external surface. The claims of the present invention clearly recite this difference. It is not obvious that the decontaminated fluid produced according to the method and apparatus of 6,736,966 could be delivered to a surface to disinfect it. For example, placing drinking water on a surface does not disinfect that surface. Conversely, sanitizing solutions are typically not drinkable.

Similarly, Otsuka et al. may not be properly combined with 6,736,966, since Otsuka et al. teaches production of a sterilizing liquid, and not decontamination of a fluid. There is no expectation of success in combining the references, because adding the decontamination invention of 6,736,966 to the sterilizing liquid delivery mechanism of Otsuka et al. would render Otsuka et al. inoperable; again, one cannot sterilize a surface using, for example, drinking water.

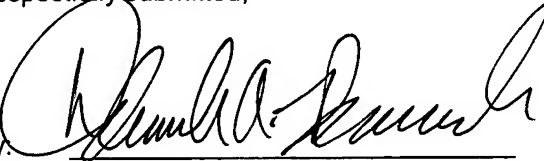
The Examiner rejects claims 22-62 under 35 U.S.C. 103(a) as being unpatentable over Otsuka et al. in view of Buckley et al. Such rejection is respectfully traversed. Neither reference discloses a portable container for holding a sanitizing solution comprising an oxidant mixed with a substance in the container, required elements of the present invention. In all of the embodiments disclosed in Otsuka et al., the sterilizing liquid produced by the electrolytic cell is ejected directly from the device without being combined with another substance (see Figs. 1 and 3, acid liquid discharge pipe **2g**, and Figs. 16-23, acid liquid outlet port **54**, and the accompanying description in the specification). Thus, Otsuka et al. does not teach storing the sanitization solution after it is created; the electrolytic cell of the prior art must be active continuously during application of the sterilizing liquid. Although Buckley et al. teaches storage of the

sanitizing solution mixed with a substance, the device of Buckley is clearly not portable. Similarly, Otsuka requires that its devices are attached to a water faucet (see Fig. 1) or to a base unit via harness 44 (see Figs. 13-15). Thus all of the required elements are not disclosed by the combination of Otsuka et al. and Buckley et al.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

A check for additional claim fees is attached. Being filed herewith is a Petition for Extension of Time to January 24, 2004, which is the first business day after January 23, 2004, with the appropriate fee. Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213. A duplicate of the Petition paper is enclosed for accounting purposes.

Respectfully submitted,

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